

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

SOLOMON EVANS

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-3290

Decision No. CU - 1094

Counsel for claimant:

Posner and Posner

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$1,000.00, was presented by SOLOMON EVANS based upon the asserted loss of a certain stock interest in the Havana Lithographing Company. Claimant has been a national of the United States since his naturalization on July 3, 1912.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (Supp. 1967).)

By Commission letter of August 8, 1967, claimant, through counsel, was advised as to the type of evidence proper for submission to establish her claim under the Act.

On October 20, 1967, claimant, through counsel, was invited to submit any evidence he might have within 45 days from that date, and he was informed that, absent such evidence it might become necessary to determine the claim on the basis of the present record. Counsel was further advised that if no reply was received from him within 10 days from the date of the letter, a copy thereof would be sent to the claimant. On October 23, 1967, counsel informed the Commission that the file in this matter had been misplaced. By letter of October 26, 1967 the Commission apprised counsel of the nature of the claim. Counsel replied by letter of October 30, 1967 that claimant had purchased 200 shares of the above-named stock and that he paid \$400.00 for same, but submitted no evidence. Claimant was reminded on November 17, 1967, that if the

suggested evidence was not received within 45 days of the October 20, 1967 letter that it might be necessary to determine the claim on the basis of the present record. Claimant has not responded to the correspondence of the Commission and no evidence has been submitted in support of this claim.

The Commission finds that claimant has not met the burden of proof, in that he has failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Accordingly, this claim is hereby denied. The Commission deems it unnecessary to determine other elements of this claim.

Dated at Washington, D. C.,  
and entered as the Proposed  
Decision of the Commission

31 JAN 1968

*Edward S. Re*

Edward S. Re, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

COPIATION  
This is a true and correct copy of the decision  
of the Commission which was entered as the final  
decision on MAR 5 1968

*Francis M. ...*  
Clerk of the Commission

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)

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